



W.P.(MD) No.20709 of 2016

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 18.11.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

W.P.(MD) No.20709 of 2016

and

W.M.P.(MD) No.14801 of 2016

S.Chinnasamy

.. Petitioner

Vs.

1.The District Collector,  
Dindigul District,  
Dindigul.

2.The Tahsildar,  
Nilakottai Taluk,  
Nilakottai,  
Dindigul District.

3.The Block Development Officer (Village Panchayat),  
Block Development Officer,  
Nilakottai, Dindigul District.

4.The President,  
Kuvanoothu Village Panchayat,  
at Kurumpapatti, Nilakottai Taluk,  
Dindigul District.

5.K.Kavitha,  
W/o.Karmegam,



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The President,  
Kuvanoothu Village Panchayat,  
at Kurumpapatti, Nilakottai Taluk,  
Dindigul District.

6.The Inspector of Police,  
Nilakottai Town Police Station,  
Nilakottai, Dindigul District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct respondents 1 to 3 and 6 to take necessary action against the 4<sup>th</sup> and 5<sup>th</sup> respondents and consequently direct them to remove the illegal construction made by the 4<sup>th</sup> and 5<sup>th</sup> respondents in the Northern side vacant land of the petitioner's property in S.F.No.317/21 situated at Koovannuthu village, Nilakottai Taluk, Dindigul District based on the Judgement and Decree passed in O.S.No.128 of 2003 on the file of the Learned District Munsif Court, Nilakottai.

|                |   |                                                    |
|----------------|---|----------------------------------------------------|
| For Petitioner | : | Mr.V.Muthukamatchi                                 |
| For RR1, 2 & 6 | : | Mr.R.Suresh Kumar<br>Additional Government Pleader |
| For R3         | : | Mr.J.Gunaseelan Muthiah                            |
| For R5         | : | Mr.R.J.Karthick                                    |
| For R6         | : | Ms.M.Aasha<br>Government Advocate (Crl. Side)      |



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## **ORDER**

This writ petition has been filed seeking for a mandamus to direct respondents 1 to 3 and 6 to take action against respondents 4 and 5 not to make any construction in the land belonging to the petitioner.

2. The petitioner would submit that originally he had filed a suit in O.S.No.128 of 2003, before the District Munsif Court, Nilakottai, which was decreed and pursuant to the order in the Execution Petition, the construction made by respondents 4 and 5 in the petitioner's land had been removed. But now, there is an apprehension that again respondents 4 and 5 would encroach upon the petitioner's land and put up construction.

3. The learned counsel appearing for the fifth respondent would submit that there is no such proposal and would also rely upon the communication of the Deputy Block Development Officer, Nilakottai, in Na.Ka.No.2380/2016/Thi3, dated 11.11.2016 sent to the petitioner that



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there is no such proposal and that without due process of law, no construction would be put up in the petitioner's premise.

4. Recording the same, no further adjudication is required to be made in this writ petition and the Writ Petition is accordingly, closed. There shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

**18.11.2024**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes

abr



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To

- 1.The District Collector,  
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Dindigul.
- 2.The Tahsildar,  
Nilakottai Taluk,  
Nilakottai, Dindigul District.
- 3.The Inspector of Police,  
Nilakottai Town Police Station,  
Nilakottai, Dindigul District.



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**K.KUMARESH BABU, J.**

abr

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